

### **REMARKS**

On pages 2 and 3 of the Office action, claims 39-41, 43, 44, 46-49, 51, 52, and 54-63 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,111,770 issued to Weelink.

Claim 39 of the present application calls for:

A free stall divider for dividing an open area into separate stalls having respective stall spaces for animals, the free stall divider comprising:

a base substantially aligned with a head space for the heads of two facing resting animals; and

two dividing elements coupled to the base, each dividing element coupled to the base by a mounting portion, the dividing elements extending away from each other, away from the head space, and along stall spaces of two adjacent stalls.

Claim 47 of the present application calls for:

A free stall divider for dividing an open area into separate stalls having respective stall spaces for animals, the free stall divider comprising:

a substantially horizontally extending base substantially aligned with a head space for the heads of two facing resting animals; and

two dividing elements coupled to the base, the dividing elements extending away from the base and alongside the stall spaces of two stalls in facing relationship with one another.

Claim 55 of the present application calls for:

A free stall divider assembly for animals, comprising:

a substantially horizontally-extending base having two opposite sides defining two facing stall spaces for two facing resting animals, the base substantially aligned with a headspace for the heads of the two facing resting animals;

a leg coupled to the base; and

a divider coupled to the leg, the divider extending into the opposite sides of the base and alongside the two facing stall spaces.

As described in greater detail in the application as originally filed, some embodiments of the present invention provide a free stall divider for stall spaces for two facing and resting

animals. The free stall divider can comprise a base and two dividing elements coupled to the base; or a base, a leg coupled to the base, and a divider coupled to the leg. In some embodiments, the divider or dividing elements extend along the stall spaces of adjacent stalls and/or extend alongside the stall spaces of two facing stalls for facing and resting animals. The dividing elements can extend away from each other and from the head space of the facing and resting animals and/or can extend away from the base. Also, the divider can extend into an area on opposite sides of the base.

In contrast, Weelink discloses a cubicle partition 1 for a dairy cow, wherein each cubicle partition has a bent rail 5, a cross pipe 6, and standing legs 2, 3 welded to a mounting plate 4. The bent rail 5, standing legs 2, 3, and mounting plate 4 are adapted specifically for dividing a space into single stalls for animals, rather than into double stalls for two facing resting animals as claimed in claims 39, 47, and 55.


The locations of the shoulder bar 22 and head bar (not numbered) of the Weelink cubicle partition 1, and the shape of the partitions 15 (see FIG. 3) are suitable for a dairy cow positioned between adjacent partitions 1, 15, but are certainly not suitable for two facing animals – whether resting or otherwise. The mounting plate 4 of the Weelink partition 1 (compared by the Examiner to the base claimed in claims 39, 47, and 55) is in no way aligned with the head space of two facing dairy cows as claimed in claims 39, 47, 55, or even with the head space of a single dairy cow, because the Weelink partition is not adapted for such applications. Instead, the head space in the Weelink partition is located fully at an end of the rails 5 as shown in FIGS. 1 and 3 of Weelink. Also, the rail 5 of each Weelink partition extends only alongside a stall space of a single dairy cow, or between stall spaces of side-by-side dairy cows. In contrast, the free stall divider claimed in claims 47 and 55 has dividing elements that extend alongside two facing stall spaces (for two facing resting animals). As discussed above, the Weelink partition is not adapted for and cannot be utilized to define such stall spaces. Weelink also fails to provide any suggestion regarding modification of the disclosed partitions to define stall spaces for facing animals as claimed in claims 39, 47, and 55, nor why such modifications would be necessary or desirable.

The Applicant respectfully submits that claims 39, 47, and 55 are novel and patentable over Weelink and the other prior art. Withdrawal of the 35 U.S.C. §102(b) rejections of claims 39, 47, and 55 is therefore respectfully requested.

Claims 40, 41, 43, 44, and 46; 48, 49, 51, 52, and 54; and 56-63 are each ultimately dependent upon claims 39, 47, and 55, respectively, and are allowable based upon claims 39, 47, and 55, and upon other features and elements claimed in claims 40, 41, 43, 44, 46, 48, 49, 51, 52, 54, and 56-63 but not discussed herein.

Favorable consideration of the application is respectfully requested. The Examiner is invited to contact the undersigned if he believes it would be helpful.

Respectfully submitted,

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